S.B.Civil Second Appeal No.430/2007

Madan Lal. vs. Harsukh Ram.

Date : 12.12.2007

HON'BLE MR. PRAKASH TATIA, J.

Mr.CP Soni, for the appellant.

- - - - -

Heard learned counsel for the appellant.

In view of the concurrent findings of fact recorded by two courts below and particularly in view of the reasons given by the first appellate court, when the first appellate court considered the statement of the plaintiff wherein the plaintiff stated that in his books of accounts Ex.4A, there is mention of receipt of gold mesuring 33.500 grams and delivery of the same amount of gold to the defendant and he admitted that his gold which he included for making ornaments, there is no entry in the books of accounts Ex.4A, I do not find that the courts below have committed any error of law by not relying on the said books of accounts. The finding of fact is based on appreciation of evidence and I do not find any substantial question of law involved in this appeal. Consequently, this second appeal is dismissed.

(PRAKASH TATIA), J.

S.Phophaliya